

*United States Court of Appeals  
for the Second Circuit*



**APPENDIX**



**75-1010**

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----x  
UNITED STATES OF AMERICA,

Appellee,

-against-

GABRIEL GALINDO-VALDEZ,

Appellant.

-----x  
Docket No. 75-1010

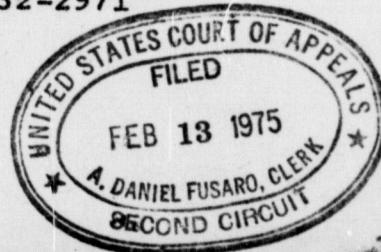
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APPENDIX

ON APPEAL FROM A JUDGMENT  
OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

WILLIAM J. GALLAGHER, ESQ.,  
THE LEGAL AID SOCIETY,  
Attorney for Appellant  
FEDERAL DEFENDER SERVICES UNIT  
509 United States Court House  
Foley Square  
New York, New York 10007  
(212) 732-2971

PHYLLIS SKLOOT BAMBERGER,  
Of Counsel



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73 CR 858

TRAVIA, 77

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. GABRIEL GALINDO-VALDEZ	For U.S.: Cunningham  For Defendant:  Did re-enter the US illegally, etc.

Did re-enter the US illegally, etc.

DATE	PROCEEDINGS
9-20-73	Before Weinstein J - Indictment filed.
10/1/73	Before TRAVIA, J.- Case called- Deft and counsel Simon Chrein of LAS present- Deft waives reading of the Indictment and enters a plea of not guilty- 30 days for motions
10-4-73	Magistrate's file 73 M 1407 inserted into CR file.
10/26/73	Notice of readiness for trial filed
1/4/74	Before TRAVIA, J. - Case called Adj'd to 1/11/74 to set trial date
1-11-74	Before TRAVIA J - Case called - deft & counsel Simon Chrein of Legal Aid present - adj'd to Jan. 15, 1974 for trial.
1-15-74	Before WEINSTEIN J - Case called - deft & counsel S.Chrein of Legal Aid present - Joaquim Guma sworn as interpreter - Indictment amended to Title 8 and not Title 18 - Hearing ordered to determine predict of charge and begun and concluded - Fingerprint report to

DATE	PROCEEDINGS	CLERK'S FEES	
		PLAINTIFF	DEFENDANT
	be submitted by 1-18-74. Deft withdraws his plea of not guilty and having been advised of his rights by the court and on his own behalf enters a plea of guilty as charged - sentence adjd to 1-25-74 at 10:45 am.		
1-15-74	Before TRAVIA J - case called - respectfully referred to Judge Weinstein		
1-25-74	Before WEINSTEIN J - case called - deft & counsel S. Chrein of Legal Aid present - Emil Rodriguez sworn as interpreter - defts motion to withdraw his plea of guilty is granted - case to be returned for all purposes to Judge Travia.		
2-8-74	Before TRAVIA, J. - Case called - Deft and counsel present - Interpreter Simon Chrein of L.A.S. Greenberg sworn - Defense counsels application to be relieved is denied as the deft informs the court that he is satisfied with present counsel		
2-20-74	Before MISHLER, CH.J. - Case called - Deft and counsel present - Interpreter Daisy Santos present - Trial ordered and begun - Jurors selected and sworn - Trial contd to 2-20-74		
2-20-74	Before MISHLER, CH.J. - Case called - Deft present with counsel - Trial rescheduled - Joaquin Guma sworn in as interpreter - Govt rests - Deft moves for verdict of acquittal - Motion denied - Letter to Judge TRAVIA from the deft marked court's exhibit 1 and ordered sealed - Deft rests - Deft renews his motion for a judgment of acquittal - Motion denied - Trial contd to 2-21-74		
2-21-74	Before MISHLER, CH J - case called - deft & counsel S. Chrein of Legal Aid present - Interpreter Joaquim Guma present - Trial resumed - court charges Jury - at 10:35 the Jury retired for deliberations - at 2:05 PM the Jury returned with a verdict of guilty as charged - Jury polled - Jury discharged - Trial concluded - sentence set down for March 1, 1974. Defts motion to set aside the verdict is denied.		
2-21-74	Stenographers transcript dated Feb. 20, 1974 filed.		
2-21-74	By Mishler, Ch J - Order of Sustenance filed - Lunch, 15 persons.		
2-22-74	Voucher for Expert Services filed.		
3-1-74	Before MISHLER, CH J - case called - deft & counsel S. Chrein of Legal Aid present - Interpreter Emmy Trumy present - deft sentenced to a term of imprisonment for 2 years and a fine of \$1,000 - execution of sentence is suspended and the deft is placed on unsupervised probation for a period of 5 years under 18:5010(a). Special condition of probation is that the deft be deported and not to return to the U.S. or its territories during his probationary period - after defts probation period he will need consent by the Atty General to enter the U.S. or its territories. Clerk to file Notice of Appeal without fee.		

73 CR--858  
CRIMINAL DOCKET

DATE	PROCEEDINGS
3-1-74	Judgment and Order of Probation filed - certified copies to Probation.
3-1-74	Notice of Appeal filed (no fee)
3-1-74	Docket entries and duplicate of Notice of Appeal mailed to the C of A
3-1-74	Stenographers transcript dated 2-21-74 filed.
3-7-74	Order received from Court of Appeals and filed that record be docketed on or before 3-21-74
3/21/74	Stenographer's transcript of 3/1/74 filed.
3/21/74	Record on Appeal certified and handed to Sandy Sadowitz for hand delivery to the Court of Appeals.
3-25-74	Acknowledgment received from the Court of Appeals and filed for receipt of Index to Record on Appeal.
3-25-74	Voucher for Expert Services filed.
5-1-74	By MISHLER, CH.J.- Bench warrant ordered-issued
6-10-74	Certified copy of Judgment affirming the Judgment of this Court filed received from the C of A (JN & USA)
9-9-74	Before MISHLER, CH J - case called - deft Valdez present with counsel S.Chrein of Legal Aid - Interpreter Helli Wolf sworn - hearing on violation of probation adjd without date.
11/15/74	Before MISHLER, CH.J.- Case called- Conference held- Hearing set down for 11/22/74 at 4:00 P.M. on violation of probation
11/22/74	Before MISHLER, CH.J- Case called- Deft and counsel Simon Chrein of Legal Aid present= Interpreter present- On oral motion by govt the deft is committed to Kings County Hospital for psychiatric examination pursuant to T-18, U.S.C. Sec. 4244- Order signed- Hearing on violation of probation adjd to 12/13/74 at 4:00 P.M.
11/22/74	By MISHLER, CH.J.- Order filed that the deft be examined as to his mental condition, pursuant to T-18, U.S.C. Sec. 4244, said examination to be conducted at Kings County Hospital, for a period not to exceed 15 days, etc.
11/26/74	Certified copy of above order retd and filed- deft delivered to King County Hospital
12/13/74	Before MISHLER, CH.J.- Case called- Adj'd to 12/20/74 at 4:00 P.M.
12/23/74	Before MISHLER, CH.J.- Case called- Deft and counsel present- Interpreter present- Hearing ordered and begun- Both sides rest- Hearing concluded Court found deft has violated conditions of probation- Probation rev

DATE	PROCEEDINGS
	Deft sentenced to a term of imprisonment for a pridd of 2 years- court advised deft of right to appeal- clerk to filed notice of appeal without fee
2/23/74	By MISHLER, CH.J.- Order of violation of probation filed
2/23/74	Notice of appeal without fee filed
2/23/74	Docket entries and duplicate of notice of appeal mailed to c of a
/23/74	Certified copy of above order retd and filed- deft in custody at Federal Detention Headquarters
/31/74	Record on appeal received from court of appeals- acknowledgment mailed
-8-75	Stenographers transcript filed dated 9-9-74.
/10/75	Order received from court of appeals and filed- that record be docketed on or before 1/15/75
/14/75	Record on appeal certified and handed to Joan Gill for delivery to the court of appeals

A TRUE COPY	
ATTESTED	
DATED	1/14/75
LEWIS CLERK	
BY	CLERK
DEPUTY CLERK	

IN CLERK'S OFFICE  
U. S. DISTRICT COURT E.D. N.Y.

EJB:MCC:po  
F. 733739

SEP 20 1973

TIME A.M. ....

P.M. ....

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

73CR 858

X

UNITED STATES OF AMERICA

INDICTMENT

-against-

Title 18 U.S.C. §1326

GABRIEL GALINDO-VALDEZ,

Defendant.

X

THE GRAND JURY CHARGES:

On or about the 13th day of September 1973 within the Eastern District of New York, the defendant GABRIEL GALINDO-VALDEZ, having previously been arrested and deported from the United States pursuant to law on April 2, 1973, was found in the United States, the defendant well knowing that his presence in the United States was unlawful. (Title 8 (oranged 1/15/74) United States Code, §1326).

A TRUE BILL

Robert G. [Signature]  
Foreman.

Robert H. Mase MCB  
UNITED STATES ATTORNEY

THE UNITED STATES OF AMERICA

VS

GABRIEL GALINDO-VALDEZ

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK  
VIOLATION OF PROBATION  
DEC 24 1974 73 CR 858  
TIME: A.M. P.M.

WHEREAS, the defendant on February 21, 1974, having been found guilty by a jury of the violation of T-18, U.S.C. Sec. 1326, in the United States District Court for the Eastern District of New York, and he was thereupon sentenced to a term of imprisonment for 2 years and a fine of \$1,000.00. Execution of sentence was suspended and the defendant was placed on unsupervised probation for a period of 5 years, pursuant to T-18, U.S.C. Sec. 5010(a). Special conditions of probation was that the defendant shall be deported and not return to the United States or its territories during his probationary period, and

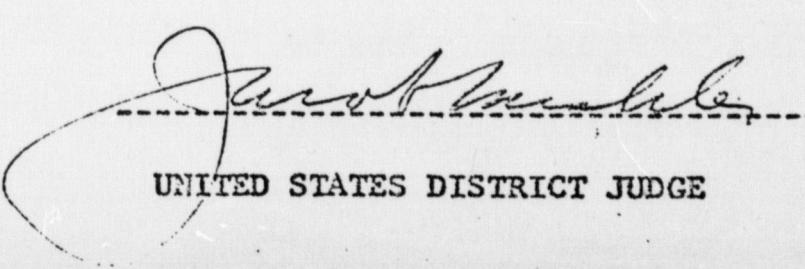
The defendant having appeared in Court for a hearing charging violation of probation and after said hearing having been held the defendant is found guilty of violating conditions of probation, and

IT IS ORDERED that the defendant is sentenced to a term of imprisonment for a period of 2 years.

IT IS FURTHER ORDERED that the Clerk deliver certified copies of this Order to the United States Marshal and Probation Officer for the Eastern District of New York.

DATED: Brooklyn, New York

December 20, 1974

  
UNITED STATES DISTRICT JUDGE

C

Certificate of Service

Feb. 13, 1975

I certify that a copy of this brief and appendix  
has been mailed to the United States Attorney for the  
Eastern District of New York, and to appellant.

Philip Mervin Boege



